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EXAMINER

DINH, KHANH Q

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/767,454
Filing Date: January 30, 2004
Appellant(s): BEESLEY ET AL.

Gary R. Edwards (Reg. No.31,824)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/5/2008 appealing from the Office action mailed 4/9/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Araujo et al. (hereafter Araujo), US pub. No.2003/0191799 A1.

As to claim 1, Araujo discloses a method of communicating over a public data network, the method comprising:

transmitting to a remote server (70 fig.1) on the network a request for web browsing software (client application programs located at the remote server using the terminal web browser) stored on the remote server to be downloaded a terminal (10 fig.1) connected to the network (see abstract, fig.1, [0062] to [0064]);

receiving the web browsing software at the terminal (see [0064]);

using the web browsing software which has been downloaded to the terminal from the terminal over the public data network (see [0062] to [0064]); wherein *at least one* of the following is true:

wherein, the web browsing software is configured such that user input data, input to the web browsing software by user of the terminal, is transmitted into the network without storing a record of said input data being stored at the terminal (see [0065] to [0068]); and

data which are received at the terminal by the web browsing software, at the request of the user are presented to the user without a record of the data being stored at the terminal (see [0067] to [0069]).

As to claim 2, Araujo discloses the browsing software is Java Applet (see [0132] to [0134]).

As to claim 3, Araujo discloses the web browsing software is for communicating with web sites (see [0066] to [0069]).

As to claim 4, Araujo discloses the web browsing software is downloaded by and runs within a further browsing software provided on the terminal (see [0064]).

As to claim 5, Araujo discloses wherein the further browsing software is a Web Browser (see [0064] to [0065]).

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As to claim 7, Araujo discloses the browsing software is arranged to communicate with the public data network via a Web Browser application running on a remote server (see fig.2, [0064] to [0066]).

As to claim 8, Araujo discloses the Web Browser application retrieving web pages from the network on behalf of the browsing software and the browsing software receives the Web Pages in a non graphical format from the Web Browser application (see fig.2, col.6 lines 17-58 and col.8 lines 3-63).

As to claim 9, Araujo discloses wherein no copy of the data transmitted to the network or received from the network by the application is cached at the terminal or written to permanent memory [0065] to [0068]).

As to claim 10, Araujo discloses wherein no record of a network address visited by the application from the terminal is stored at the terminal (see [0069] to [0072 and [0096] to [0101]).

As to claim 11, Araujo discloses wherein the network address is any an IP address, domain name URL (see fig.6, [0109] to [0111]).

Claim 12 is rejected for the same reasons set forth claim 1.

(10) Response to Arguments

- Appellant asserts that the cited reference does not disclose transmitting a request for web browsing software stored on the remote server to be downloaded a terminal connected to the network, receiving the web browsing software at the terminal, using the web browsing software which has been downloaded to the terminal from the terminal over the public data network.

Examiner respectfully disagrees. Examiner respectfully point out that Araujo discloses transmitting to a remote server (70 fig.1) on the network a request for web browsing software (providing a web based access application to user upon user's request and accessing client application programs using the browser to be displayed at the user terminal) stored on the remote server to be downloaded a terminal (10 fig.1) connected to the network (generating and downloading the HTML file for graphical display to the browser at the user in order to provide the appropriate displays, see abstract, fig.1, [0062] to [0064]) and receiving the web browsing software at the terminal (see [0064]) and using the web browsing software which has been downloaded to the terminal from the terminal over the public data network (displaying real time results of each of the operations in HTML forms at the browser located at user (10 fig.1), see [0062] to [0064] and [0065]).

- Appellant asserts that the cited reference does not disclose “the web browsing software is configured such that user input data, input to the web browsing software by user of the terminal, is transmitted into the network without storing a record of said input data being stored at the terminal” or “data which are received at the terminal by the web browsing software, at the request of the user are presented to the user without a record of the data being stored at the terminal”.

Examiner respectfully point out that the Appellant claims the “OR” statement; therefore, Examiner only shows one of the two steps. In this case, Examiner respectfully point out that Araujo discloses that data are received at the terminal by the web browsing software at the request of the user (enabling the real-time web based communications between client and server upon mouse clicks and keystroke data by an user, see [0067] to [0069]). Araujo does not disclose that the terminal must store user input data at the terminal; therefore, Araujo discloses the Applicant’s claimed invention such as “data are presented to the user without a record of the data being stored at the terminal”. This is equivalent to what is claimed.

- Appellant asserts that the cited reference does not disclose a Java Applet.

Examiner respectfully point out that Araujo discloses the browsing software is Java Applet (using Java Applet to control input/output to executing application programs downloaded to the browser, see [0133] to [0134]).

- Appellant asserts that the cited reference does not disclose a web browsing software.

Examiner respectfully point out that Araujo discloses a web browsing software (generating and downloading the HTML file for graphical display to the browser at the user in order to provide the appropriate displays, see [0064]).

- Appellant asserts that the cited reference does not disclose “further browsing software”.

Examiner respectfully point out that Araujo discloses the further browsing software (application being displayed graphically to the user by the browser, see [0064] to [0065]).

- Appellant asserts that the cited reference does not disclose anything to communicate with the public data network via a Web Browser application running on a remote server

Examiner respectfully point out that Araujo discloses the browsing software is arranged to communicate with the public data network via a Web Browser application running on a remote server {providing web based access applications through web

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browser initiated by the user (10 fig.1) to the server (70 fig.1), see figs.1, 2, [0062] and [0064] to [0066]}.

- As to claim 8, Appellant asserts that the Appellant is unable to identify the subject matter in Araujo since the cited reference is not arranged by columns and lines.

Examiner respectfully already pointed out Araujo's columns and lines in the Final Office action. For clarification purpose, Examiner again point out that Araujo discloses the Web Browser application retrieving web pages from the network on behalf of the browsing software and the browsing software receives the Web Pages in a non graphical format from the Web Browser application (see fig.2, col.6 lines 17-58 and col.8 lines 3-63).

- Appellant asserts that the cited reference does not disclose that no record of input data is stored at the terminal OR that data provided to the user is not stored on the user terminal.

Examiner respectfully point out that Araujo does not disclose that the terminal must store user input data at the terminal; therefore, Arujo discloses the Applicant's claimed invention such as "data are presented to the user without a record of the data being stored at the terminal". This is equivalent to what is claimed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

/Khanh Dinh/

Primary Examiner, Art Unit 2151

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152

(for Jason Cardone)